

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 08-CR-10223-PBS
	)	09-CR-10262-PBS
	)	09-CR-10382-DPW
ALBERT GONZALEZ,	)	
	)	
Defendant.	)	

SUPPLEMENT TO MOTION FOR ENTRY OF AMOUNTS OF RESTITUTION

Prior to Judge Saris's sentencing of Albert Gonzalez in Criminal Number 09-10262-PBS (the Dave and Buster's case"), St. Paul Fire and Marine Insurance Company/Travelers Casualty and Insurance Company ("Travelers") sought restitution as the assignee of Digital Federal Credit Union for credit card losses. Travelers informed counsel for the government yesterday after the filing of the government's Motion for Entry of Amounts of Restitution that the company erroneously had sought restitution in the Dave and Buster's case before Judge Saris and that the losses, in fact, stemmed from the Heartland Payment Systems intrusion and data theft sentenced by Judge Woodlock in Criminal Number 09-10382-DPW ("the Heartland case"). In light of this new information, the government asks Judge Saris not to order restitution to Travelers in the Dave and Buster's case, as initially reflected in the presentence report.

Additionally, the government requests that both Courts defer entering amended judgements in the Gonzalez cases until May 5, 2010. This will permit Travelers time to clarify

the nature of its claim and provide supporting documentation to the appropriate Court and the parties should it have a basis for restitution.

Respectively submitted,  
CARMEN M. ORTIZ  
U.S. Attorney

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Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Date: April 23, 2010

/s/ Stephen P. Heymann  
Stephen P. Heymann  
Assistant United States Attorney